Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed July 27, 2004. A Terminal Disclaimer with a Certificate of Ownership for the current application and U.S. Patent No. 6,158,010 is filed with the current response.

I. Summary of Examiners Rejections

Prior to the Office Action mailed July 27, 2004, Claims 58-76, 112-127, 133-135 and 147-156 were pending in the Application. In the Office Action mailed July 27, 2004, Claim 117 was rejected under 35 U.S.C. 112, as being indefinite. Claims 75, 116 and 147 were rejected under the judicially created doctrine of double patenting over Claims 1, 4, 5, 9, 13, 14, 47, 50 and 52 of U.S. Patent No. 6,158,010. Claims 58-70, 72-74, 112-114, 118, 119, 121-127 and 149-156 were rejected under 35 U.S.C. 102(e) as being anticipated by Nessett et al. (U.S. Patent No. 5,968,176, hereafter Nessett). Claims 76, 115 and 120 were rejected under U.S.C. 103(a) as being unpatentable over Nessett in view of Klein et al. (U.S. Patent No. 6,539,414, hereafter Klein). Claims 117 and 133-135 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nessett in view of Brooks et al. (U.S. Patent No. 6,009,507, hereafter Brooks). Claims 71 and 148 were objected to as being dependent upon a rejected base claim, but the Examiner indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

II. Summary of Applicants' Amendment

The present Response amend Claims 58, 59, 64, 65, 69, 71, 113, 115, 117, 119-122 and 148; cancels Claims 60-63, 66, 67, 70, 72-76, 120, 121, 123-127, 133-135, 147, and 149-156; and adds new Claims 157-170, leaving for the Examiner's present consideration Claims 58, 59, 64, 65, 68, 69, 71, 113-117, 119, 122, 148, and 157-170. Reconsideration of the Application, as amended, is respectfully requested. Applicant reserves the right to prosecute any originally presented or canceled claims in a continuing or future application.

III. Allowable Subject Matter

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Claims 71 and 148

Claims 71 and 148 were objected to as being dependent upon a rejected base claim. The present response rewrites Claims 71 and 148 in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully submits that Claim 71 and 148 are now allowable, and reconsideration thereof is respectfully requested.

IV. Claim Rejections under Double Patenting

In the Office Action mailed July 27, 2004, Claims 75, 116 and 147 were rejected under the judicially created doctrine of double patenting over Claims 1, 4, 5, 9, 13, 14, 47, 50 and 52 of U.S. Patent No. 6,158,010. An appropriate Terminal Disclaimer, together with a Certificate of Common Ownership is being filed herewith. Applicant respectfully submits that this renders moot the rejection of Claims 75, 166 and 147 under the doctrine of double patenting, and reconsideration thereof is respectfully requested.

V. Claim Rejections under 35 U.S.C. § 112

In the Office Action mailed July 27, 2004, Claim 117 was rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicant believes to be the invention. Accordingly, the present Response amends Claim 117, as described in further detail below, to more clearly define the embodiment of the invention therein. Applicant respectfully submits that Claim 117 now conforms to the requirements of 35 U.S.C. 112, and reconsideration thereof is respectfully requested.

VI. Claim Rejections under 35 U.S.C. § 102(e)

In the Office Action mailed July 27, 2004, Claims 58-70, 72-74, 112-114, 118, 119, 121-127 and 149-156 were rejected under 35 U.S.C. 102(e) as being anticipated by Nessett (U.S. Patent No. 5,968,176).

Claim 58

Claim 58 has been amended by the current Response to more clearly define the embodiment of the invention therein. As amended, Claim 58 defines:

> 58. *(Currently Amended) A system for maintaining security in a distributed computing environment, comprising:*
> *a central policy manager for managing and distributing a security policy; and*
> *an application guard located at a client, said application guard including a customized local policy particular to that client, for managing access by a user of the client to software application components at the client, as specified by the security policy.*

Claim 58, as currently amended, defines a system for maintaining security in a distributed computing environment, comprising a policy manager for managing access by a user of the client to software application components at the client, as specified by the security policy. Applicant respectfully submits that these features are not disclosed by the cited references. Particularly in the embodiment of the invention defined by Claim 58, the application guard is for managing access to a software application component.

Nessett discloses a multilayer firewall system. Nessett apparently discloses a distributed firewall system for establishing security in a network of multiple devices, such as remote access equipment, routers, switches, repeaters and network cards. A security policy script is provided having a syntax that allows translation of the security policy statement into configuration data for the protocol and the device type of the node in the network at which the policy is enforced. (Column 7, Lines 41-45). The generic term "node" refers to either end systems or network devices. End Systems (hosts) are the nodes identified in the policy statements. (Column 8, Lines 1-3). The security policy language itself is used to write a set of security policy statements that specify allowed activity between end systems. An illustrative rule base and syntax has activities like FTP, Telnet, Real Audio and HTTP. (Column 8, Lines 34-55). It appears from the above that the nodes protected by distributed firewall system are devices and end systems (hosts), and that policies are used to protect the network and protocol access to these devices.

However in the embodiment of the invention defined by claim 58, an application guard located at a client is used to manage access to a software application component at that client.

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Typically, network access to the client occurs first, followed by application access to the software applications running on the client. The security access to these software applications and their application components is different from the network and protocol access to the device on which these software applications are running.

Furthermore, Nessett discloses that each NIC, such as the NIC at the end system 601 shown in Figure 7, uses the security policy rules to filter packets at the end system, enforcing the policy rules so that the end system would not be able to receive any traffic other than FTP. (Column 23, Lines 20-26). The two examples described with respect to Figure 6 and Figure 7 describe how the NICs enforce the network security policy for the host systems in a network. (Column 21, Line 54 - Column 23, Line 57). This suggests that, in Nessett, the NICs on the host systems are responsible for enforcing the security policies at the network access of the host systems, and that there is no support for enforcing any security policies for the software applications and their components running on these host systems. Hence, Applicant respectfully submits that Nessett does not teach managing access to software application components, as currently defined by Claim 58.

In view of the above comments, Applicant respectfully submits that Claim 58 is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

Claims 59-70, 72-74, 112-114, 118, 119, 133-135, 147 and 149-156

Claims 60-63, 66, 67, 70, 72-74, 112, 118, 133-135, 147 and 149-156 are canceled by the current Response, rendering moot the rejection of these claims.

Claims 59, 64, 65, 68, 69, 113, 114 and 119 are not addressed separately but it is respectfully submitted that these Claims are allowable for reasons similar to those provided above with respect to Claim 58. Applicant respectfully submits that Claims 59, 64, 65, 68, 69, 113, 114 and 119 are similarly neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

It is also submitted that these claims also add their own limitations which render them patentable in their own right. Applicant reserves the right to argue these limitations should it become necessary in the future.

VII.   Claim Rejections under 35 U.S.C. § 103(a)

In the Office Action mailed July 27, 2004, Claims 76, 115 and 120 were rejected under U.S.C. 103(a) as being unpatentable over Nessett in view of Klein (U.S. Patent No. 6,539,414). Claims 117 and 133-135 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nessett in view of Brooks (U.S. Patent No. 6,009,507).

Claim 76

The comments provided above with respect to Claim 58 are incorporated herein by reference. Claim 76 depends from and includes all of the limitations and features of Claim 59. Claim 59 as currently amended, further defines the system wherein the policy manager comprises an Application Programming Interface (API) that at least allows programs to perform the same functions as human operator.

Klein discloses a method for incorporating collateral and concurrent activity in a data processing transaction. Apparently, an API 50 (shown in FIG 1 as residing on CPU 12) is provided to implement one or more predetermined policy rules. API 50 is an application specific process, called within the context of the particular transaction started by application 40. (Column 4, Lines 54-59). This suggests that the API in Klein is used to implement policy rules for an application running on a host system, and has nothing to do with the network security of the host system.

Applicant respectfully submits that Nessett cannot be combined with Klein to anticipate the embodiment of Claim 76, since Nessett teaches network security of host systems and devices, whereas Klein teaches policy rule implementations of applications running on a host system.

In view of the above comments, Applicant respectfully submits that Claim 76 is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

Claims 115 and 120

Claims 115 and 120 are not addressed separately but it is respectfully submitted that these claims are allowable in view of the comments provided above. Applicant respectfully submits that Claims 115 and 120 are similarly neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

It is also submitted that these claims also add their own limitations which render them patentable in their own right. Applicant reserves the right to argue these limitations should it become necessary in the future.

Claim 117

The comments provided above with respect to Claim 58 are incorporated herein by reference. Through inadvertent typographical error, Claim 117 was originally presented as depending from Claim 113. Claim 117 has been amended by the present Response to properly depend from Claim 116.

Claim 117 as currently amended, further defines the system wherein the authorization engine comprises plug-ins that at least allow for additional capabilities to process and evaluate an authorization request based on customized code.

Brooks discloses a system and method for distributing processing among one or more processors. The DSP software plug-in allows client's application to interact with digital signal processors. The overall goal of the object oriented programming is to allow DSP software and Signal processing devices to easily plug-in to client's application, thus yielding greater functionality and customization of the system for end user. (Column 6, Lines 26-36). This appears to suggest that Brooks does not teach an authorization engine to process and evaluate authorization requests, but instead describes functionality and customization of the system for the end user.

However, in the embodiment of the invention defined by Claim 117, the authorization engine processes and evaluates authorization requests. Applicant respectfully submits that Nessett cannot be combined with Brooks to teach the embodiment of the invention defined by Clam 117, since neither Nessett nor Brooks teaches securing software application and their components.

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In view of the above comments, Applicant respectfully submits that Claim 117 is neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

Claims 133-135

Claims 133-135 are not addressed separately but it is respectfully submitted that these claims are allowable in view of the comments provided above for Claim 117. Applicant respectfully submits that Claims 133-135 are similarly neither anticipated by, nor obvious in view of the cited references, and reconsideration thereof is respectfully requested.

It is also submitted that these claims also add their own limitations which render them patentable in their own right. Applicant reserves the right to argue these limitations should it become necessary in the future.

VIII.   Additional Amendments

Claims 157-170 are newly added by the current Response. It is respectfully requested that the additional claims be included in the Application and considered therewith.

IX.   Conclusion

In view of the above amendments and remarks, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and reconsideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, November 29, 2004.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: _November 29, 2004_   By: _____

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